IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

TONY WOLFE,)
DI 1 4100)
Plaintiff,)
)
)
VS.) CASE NO. 3:11-0751
) JUDGE SHARP/KNOWLES
)
PAUL ALEXANDER, et al.,)
)
Defendants.)

REPORT AND RECOMMENDATION

This matter is before the Court upon the pro se prisoner Plaintiff's "Motion for Preliminary Injunction and/or Temporary Restraining Order." Docket No. 74. Plaintiff essentially claims that some or all Defendants are not allowing him to refuse a medical diet and receive a regular food tray.

A number of Defendants have filed a Response to the Motion (Docket No. 78), with the Affidavit of Adrienne Sims (Docket No. 78-1). Ms. Sims' Affidavit establishes that, since August 20, 2012, Plaintiff has received a regular diet tray for all meals.

Plaintiff has not submitted a Reply to the Response or otherwise contested the factual matters set forth in Ms. Sims' Affidavit.

For the foregoing reasons, the instant "Motion for Preliminary Injunction and/or Temporary Restraining Order" (Docket No. 74) should be DENIED AS MOOT.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn,* 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied,* 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

E. Clifton Knowles

United States Magistrate Judge